

REMARKS

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 1-4, 6, 8-18, and 27-35 are pending with claims 1, 18, 27, and 34 being independent. Claims 1, 6, 11, 18, and 27 have been amended. Claims 34 and 35 have been added. No new matter has been added. The Office's rejections are respectfully traversed.

**Allowable Subject Matter**

Claim 7 stands objected to as being dependent on a rejected base claim, but the Office (Action of October 30, 2008 at page 21) states that the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office is respectfully thanked.

Independent claim 1 has been amended to include the subject matter of claim 7 and subject matter from intervening claim 5, both of which depend from claim 1. Accordingly, claim 1 is believed to be in condition for allowance. Claims 2-4, 6, and 8-17 depend from claim 1 and therefore are allowable at least based on claim 1.

Also, independent claim 18 has been amended to include subject matter similar to that of claims 1, 5, and 7. Accordingly, claim 18 is believed to be in condition for allowance.

Further, independent claim 27 has been amended to include subject matter similar to that of claims 1, 5, and 7. Accordingly, claim 27 is believed to be in condition for allowance. Claims 28-33 depend from claim 27 and therefore also are believed to be allowable at least based on claim 27.

Additionally, new independent claim 34 includes subject matter similar to that of claims 1, 5, and 7. Accordingly, new claim 34 also is believed to be in condition for allowance. Claim 35 depends from claim 34 and therefore is believed to be allowable at least based on claim 34.

### **Rejection Under 35 U.S.C. § 103**

Claims 1, 4-6, 8-16, 18, 27, 29, and 31-33 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over International Application Publication WO 99/65256 to Fernandez et al. and U.K. Patent Application Publication GB 2345613 to Angwin et al. Further, claims 17 and 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fernandez et al. and Angwin et al., and further in view of U.S. Patent No. 6,240,391 to Ball et al. Additionally, claims 3 and 28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fernandez et al. and Angwin et al., and further in view of U.S. Patent No. 6,205,342 to Oakes et al. Moreover, claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fernandez et al. and Angwin et al., and further in view of U.S. Patent Publication No. 2002/0016174 to Gibson et al. The Office's contentions are respectfully traversed.

As discussed above, independent claims 1, 18, and 27 have been amended to incorporate subject matter identified as allowable. Therefore, the rejections of claims 1, 18, and 27, as well as the claims that depend from them, are now moot. Also as discussed above, new claim 34 incorporates subject matter identified as allowable and therefore also is believed to be allowable over the proposed combinations. Further, claim 35 depends from claim 34 and therefore is allowable based at least on claim 35.

### **Concluding Comments**

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the above remarks, claims 1-4, 6, 8-18, and 27-35 are in condition for allowance, and a formal notice of allowance is respectfully requested. Please apply the fee of \$1,110 for a three-month extension of time, the fee of \$272 for excess claims, and any other applicable charges or credits to deposit account 06-1050.

Respectfully submitted,

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